

6346. Adulteration and misbranding of vinegar. U. S. * * * v. Cornelius William Davis and Lester Davis (C. W. Davis & Sons). Plea of guilty by Cornelius William Davis. Fine, \$40. Information nolle prossed as to Lester Davis. (F. & D. No. 8098. I. S. Nos. 1671-m, 1674-m.)

On June 21, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the said District an information against Cornelius William Davis and Lester Davis, copartners, trading as C. W. Davis & Sons, Washington, D. C., alleging that said defendants, on September 25, 1916, and September 26, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell quantities of vinegar which was adulterated and misbranded. The article was labeled in part, "Analostan Brand Table Vinegar" or "Analostan Brand Pure Apple Cider Vinegar," as the case might be.

Analyses of samples of the article by the Bureau of Chemistry of this department show the following results:

	The table vinegar.	The pure cider vinegar.
Solids (gram per 100 cc)	0.19	0.25
Reducing sugar after inversion (gram per 100 cc)06	.06
Ash (gram per 100 cc)05	.03
Total phosphoric acid (milligrams per 100 cc).....	.17	.16
Acidity, as acetic (grams per 100 cc).....	2.85	3.67
Lead precipitate.....	None.	None.

Each product is distilled vinegar or dilute acetic acid, artificially colored with caramel, and deficient in acid strength.

Adulteration of the article labeled, "Table Vinegar," was alleged in substance in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for vinegar, which the article purported to be; and for the further reason that it was a product composed of distilled vinegar and added water, a product inferior to vinegar, and was artificially colored so as to simulate the appearance of natural colored vinegar, and in a manner whereby its inferiority to natural colored vinegar was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Vinegar," borne on the label attached to the bottle, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was vinegar; and for the further reason that it was labeled "Vinegar" so as to deceive and mislead the purchaser into the belief that it was vinegar, whereas, in truth and in fact, it was not, but was an artificially colored product composed in part of added water.

Adulteration of the article labeled, "Apple Cider Vinegar," was alleged for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength; and for the further reason that a mixture composed of either dilute acetic acid or distilled vinegar and added water had been substituted in part for pure apple cider vinegar, which the article purported to be; and for the further reason that it was a product composed in part of either dilute acetic acid or distilled vinegar and added water, a product inferior to pure apple cider vinegar, and was colored so as to simulate the appearance of pure apple cider vinegar in a manner whereby its inferiority to pure apple cider vinegar was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pure Apple Cider Vinegar," borne on the label attached to the bottle, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was pure apple cider vinegar; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar, whereas, in truth and in fact, it was not but was an artificially colored product composed in part of either dilute acetic acid or distilled vinegar and added water.

On June 21, 1917, the defendant Cornelius William Davis, entered a plea of guilty to the information, and the court imposed a fine of \$40. A nolle prosequi was entered as to Lester Davis.

C. F. MARVIN, *Acting Secretary of Agriculture.*